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Date: 12.22.00

By: 

Docket No.: 5600-0001.37

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

H.M. Johnson, et al.

SERIAL No.: unassigned

FILED: submitted herewith

FOR: **INTERFERON-TAU COMPOSITIONS AND  
METHODS OF USE**

EXAMINER: unassigned

ART UNIT: unassigned

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination, applicants respectfully request the Examiner to enter the following amendment.

In the specification: On page 1, line 4, after "application" insert --is a continuation of U.S. Application No. 09/045,467 filed March 20, 1998, now allowed, which--.

In the Claims: Cancel claims 1-54, 60-65, and 72-95, without prejudice, amend claims 55, 59, 66, and 71, and add new claims 96 and 97 as follows:

55. (Amended) A method of inhibiting tumor cell growth, comprising

contacting the cells with [human] ovine interferon- $\tau$  at a [concentration effective] dosage of at least about  $5 \times 10^4$  units/day to inhibit growth of the tumor cells.

59. (Amended) A method of claim 55, where said protein contains [the] a sequence selected from the sequences presented as

[SEQ ID NO:44] SEQ ID NO:2, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7, SEQ ID NO:8, SEQ ID NO:9, and SEQ ID NO:10.

66. (Amended) A method of inhibiting viral replication, comprising

contacting cells infected with a virus with [human] ovine interferon- $\tau$  at a [concentration effective] dosage of at least about  $5 \times 10^4$  units/day to inhibit viral replication within said cells.

71. (Amended) A method of claim 66, where said protein contains [the] a sequence selected from the sequences presented as [SEQ ID NO:44] SEQ ID NO:2, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7, SEQ ID NO:8, SEQ ID NO:9, and SEQ ID NO:10.

--96. The method of claim 55, wherein said contacting is at a dosage of at least about  $5 \times 10^8$  units/day.

97. The method of claim 66, wherein said contacting is at a dosage of at least about  $5 \times 10^8$  units/day.--

#### Remarks


Claims 55 and 66 are amended to recited ovine, rather than human, interferon- $\tau$  and to include a lower dosage limitation, as supported on page 58, line 5. Claims 59 and 71 are amended to set forth the sequences directed to ovine interferon- $\tau$ , as set forth on pages 16-17.

New claims 96-97 recite a dosage of  $5 \times 10^8$  units/day, as described in page 58, lines 4-5.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 324-0880.

Respectfully submitted,

Date: 12/22/00

  
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